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TO: U.S. Patent Office – Art Unit 3628

NAME: Patent Examiner Jeffrey C. Pwu

DATE & TIME: 1/10/2005

CONFIRMATION:

PAGES TO FOLLOW: 54

FAX NUMBER: 703-872-9306

FROM: Morris, Manning & Martin, LLP

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CONFIRMATION TIME:

____:____:____
HR MIN SECCOMMENTS:

Application No.: 09/476,386

Filing Date: 12/30/1999

Attorney Docket No. 4526-29734

I hereby certify that the attached documents are being sent via facsimile to the USPTO this 10th day of January 2005:

Transmittal Letter – 1 page;

Credit Card Authorization Payment Form – 1 page;

Brief in Support of Notice of Appeal - 52 pages.

John R. Harris, 50,388

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Applicant: German, et al. Examiner: Jeffrey C. Pwu
Serial No.: 09/476,386 Group Art Unit: 3628
Filed: December 30, 1999 Docket: 4526-29734
Confirmation No.: 7757 Former Docket No.
Title: A Computer-Implemented Method For Providing A Consumer-To-Consumer Payment Service

CERTIFICATE UNDER 37 CFR 1.8(a):

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By: 

Name: John R. Harris

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We are transmitting herewith the attached:

- ☒ Transmittal Sheet containing Certificate of Mailing (1 page)
- ☒ Brief in Support of Notice of Appeal (52 pages)
- ☒ Credit Card Payment Authorization Form (1 page)

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JAN 10 2005

In re Application of:

German, et al.

Application No. 09/476,386

Filed: December 30, 1999

For: METHOD AND SYSTEM FOR FACILITATING
FINANCIAL TRANSACTIONS BETWEEN
CONSUMERS OVER THE INTERNET

Art Unit: 3628

Examiner:
Jeffrey C. Pwu

Confirmation No.: 4943

Mail Stop Appeal Brief-- Patents
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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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John R. Harris - Reg. No. 30,388

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II. REAL PARTY IN INTEREST

First Data Corporation of Greenwood Village, Colorado is the assignee of record.

III. RELATED APPEALS AND INTERFERENCES

There are no other known appeals or interferences related to this appeal.

IV. STATUS OF CLAIMS

Claims 63 – 168 are pending in the present application. In a final rejection mailed August 10, 2004, the examiner rejected claims 63 – 168 under 35 U.S.C. § 102(b) as being allegedly unpatentable over U.S. Patent No. 5,757,917 issued to *Rose, et al.*

V. STATUS OF AMENDMENTS

No amendments are presented herein.

VI. SUMMARY OF CLAIMED SUBJECT MATTER

The following is a concise explanation of the various inventions set forth in claims 63 – 168. The independent claims at issue are claims 63, 81, 99, 116, 133 and 151. In particular, the claims in this case are directed to the features and aspects of the invention best illustrated in FIG. 4A, which was discussed in a telephonic interview with the examiner on August 26, 2003. The text of the specification relating to FIG. 4A is found on page 22, line 28 to page 23, line 28.

The present invention as recited in claims 63 – 168 generally relates to an online commerce system. With reference to FIG. 1B, the methods and systems of the present invention allow, in a transaction between a buyer 110 and a seller 130, utilizing an intermediary 120, for the buyer 110 to tender a cash payment 140 to the seller 130 as a result of a transaction between the buyer 110 and the seller 130, despite the fact that the transaction is carried out online. With reference to FIG. 2, the method and systems further provide inventive aspects involving the use of a payment enabling system 240 that stores a data record, the data record including a data field that indicates whether the buyer 110 has made the cash deposit 140. This data record is indicated

at step 430A in FIG. 4A. For example, a buyer 110 physically goes to a cash deposit payment instrument processor (e.g., FIG. 2, cash processor 285), who accepts a deposit in the required amount and thereafter communicates information regarding the cash deposit to the payment enabler. Upon doing so, the data field is updated in the payment enabling system 240 indicating that the required cash deposit has been received (FIG. 4A, step 490A). Other aspects of the system then complete the transaction by making payment to the seller 130.

According to certain aspects of the present invention as set forth in claims 63 – 98, a computer-implemented method and system for effecting a cash payment in connection with an online transaction is provided. The method includes a buyer computer operated by a buyer 110, a seller computer operated by a seller 130, and a payment enabling system 240 (FIG. 2) operated by a payment enabler. The payment enabling system 240 further includes a cash deposit payment instrument. To effect payment in a transaction between the buyer and the seller, the payment enabling system 240 stores a cash deposit payment instrument registration record wherein the registration record stores a data field that indicates whether a required cash deposit has been received. In the event that a buyer 110 physically travels to a cash deposit payment instrument location and makes the required payment at the payment location, the data field in the registration record is updated to reflect the cash payment 140 that has been made by the buyer 110.

A. Novel Aspects of Claim 63

In particular, claim 63 is directed, among other things, to aspects of a method for a payment enabling system 240 operated by a payment enabler for effecting a payment from a buyer 110 to a seller 130 in connection with an online transaction involving the use of a cash deposit payment instrument. Additionally, claim 63 provides for the storage of a cash deposit payment instrument registration record (FIG. 4A, step 430A) in a memory associated with the payment enabling system, the registration record storing the buyer information, the required deposit amount, and a data field indicating whether the required cash deposit 140 has been received by the cash deposit payment instrument processor (FIG. 2, Flash cash processor 285).

B. Novel Aspects of Claim 81

Claim 81 is directed, among other things, to aspects of a system comprising a payment enabling system 240 for effecting payment to a seller 130 conditioned on receipt of a cash deposit 140 by the buyer at a deposit location registered to a cash deposit payment instrument processor (FIG. 2, Flash cash processor 285), involving use of a cash deposit payment instrument. Further, claim 81 provides for the payment enabling system to store a cash deposit payment instrument registration record in a memory, wherein the registration record stores the buyer information, the required deposit amount, and a data field indicating whether the required cash deposit has been received by the cash deposit payment instrument processor.

C. Novel Aspects of Claim 99

Claim 99 is directed, among other things, to aspects of a method for a payment enabling system 240 operated by a payment enabler for effecting a cash payment in connection with an online transaction utilizing a cash deposit payment instrument, and including steps involving the registration of a payment instrument (FIG. 3, step 320; FIG. 4A, step 430A).

D. Novel Aspects of Claim 116

Claim 116 is directed, among other things, to aspects of a system comprising a payment enabling system 240 operated by a payment enabler, and operations of the payment enabling system for effecting a payment involving use of a cash deposit payment instrument, and including operations involving the registration of a payment instrument (FIG. 3, step 320; FIG. 4A, step 430A).

E. Novel Aspects of Claim 133

Claim 133 is directed, among other things, to aspects of a method for effecting a payment in connection with an online transaction utilizing a cash deposit payment instrument, wherein the method involves steps of a transaction computer, a payment enabling system 240 (FIG. 2) and a cash deposit payment instrument processor 285 (FIG. 2), and including steps involving registration of a payment instrument (FIG. 3, step 320; FIG. 4A, step 430A). Further, in response to receipt of information at the payment enabling system indicating that the required deposit amount has been received by the cash deposit payment instrument processor, information is

communicated to the seller computer notifying the seller that payment in connection with the transaction has been arranged and providing instructions to the seller to ship the goods (FIG. 4A), step 490A; FIG. 7, step 720).

F. Novel Aspects of Claim 151

Claim 151 is directed, among other things, to aspects of a system for effecting a payment in connection with an online transaction utilizing a cash deposit payment instrument, comprising a transaction computer, a payment enabling system 240 (FIG. 2), and one or more payment instrument processors including a cash deposit payment instrument processor 285 (FIG. 2), and including operations involving registration of a payment instrument (FIG. 3, step 320; FIG. 4A, step 430A). Further, in response to receipt of information indicating that the required deposit amount has been received by the cash deposit payment instrument processor, information is communicated to the seller computer for notifying the seller that payment in connection with the transaction has been arranged and providing instructions to the seller to ship the goods (FIG. 4A, step 490A; FIG. 7, step 720).

VII. **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 63 – 168 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,757,917 issued to *Rose, et al.*

VIII. **ARGUMENT**

A. **The Examiner Has Failed to Make a Prima Facie Case of Anticipation to Support a Rejection under 35 U.S.C. § 102(b) over U.S. Patent No. 5,757,917 issued to *Rose, et al.***

By way of the Office Action dated August 10, 2004, claims 63 – 168 were rejected under 35 U.S.C. § 102(b) as being allegedly unpatentable over U.S. Patent No. 5,757,917 issued to *Rose, et al.* (herein after *Rose*). This rejection is respectfully traversed.

For a claim to be anticipated under 35 U.S.C. § 102(b), all elements of Applicants' claimed invention must be disclosed within a single reference. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently

described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants assert that *Rose* fails to disclose each and every element of Applicants’ inventions as expressed in the claims.

Rose in general describes a method and system for the purchasing of goods and services via the Internet. FIG. 1 of *Rose* illustrates a payment system according to an embodiment of the invention of *Rose*. Within FIG. 1 is illustrated a plurality of system users 14, wherein the users can either be user-buyers 20 or user-sellers 28. The various system users communicate with each other via a connection to the Internet 12. A review of FIG. 1 and the specification of *Rose* further describes that the system comprises a payment system 10, a financial transaction settlement system 30, a seller’s agent 115 and credit card bureaus 117.

The financial transaction settlement system 30 may represent commercially available credit card processing institutions (e.g., Visa, Master Card, Discover, etc.). Additionally, the financial transaction settlement system 30 comprises two components, the components being an issuer 32 and an acquirer 34. “The issuer 32 includes banks ... that issue credit cards to persons, send statements and bills to credit card holders on a regular basis, and collect payment from the credit card holders. These functions are not performed on the Internet but use conventional mail delivery, authorized direct withdrawals from bank accounts, etc.” (*Rose*, col. 3, lines 24 – 30).

The acquirer 34 processes the user charge that is received from the payment system 10 and passes the charge information on to the issuer 32. Thereafter, the user charge information is used to prepare and send monthly statements and bills to the users in order to assist in collecting payment from users at a later time period.

Therefore, as described within the specification and drawings of *Rose*, the payment system 10 utilizes commercially available issuers 32 to bill user-buyers 20 and to collect payment from the user-buyers 20 for their transactions on the Internet 12 by way of the payment system 10. Accordingly, the online transactions of a user-buyer 20 that are initiated using the payment system 10 would subsequently show up on the user-buyer’s credit card statement as a charge from the user-seller 28 after the completion of the online transaction. Most notably, there is no mention of a cash payment or aspects thereof in *Rose*.

B. Distinctions Between *Rose* and Applicants' Inventions as Set Forth in Claims 63 – 80.

By way of general discussion only, the methods and systems provided by the Applicants differ from the methods of *Rose*. As stated above, Applicants' invention is directed to a method for effecting payment between a buyer and a seller in an online transaction involving a cash deposit that a buyer makes in accordance with the invention. According to Applicants' invention as embodied in independent claim 63 and its associated dependent claims 64 – 80, after the cash deposit is received by the cash deposit payment instrument processor, the cash deposit payment instrument processor then notifies the payment enabler that the buyer has deposited the required funds. In general, the payment enabler then updates a flag in the data field in a stored registration record to indicate that a cash deposit has been made. Upon updating the flag, the payment is automatically made to the seller by other aspects of the system, thereby completing the transaction.

In contrast, *Rose* teaches away from the presently claimed invention. In particular, in order for a user-buyer 20 to use the payment system 10 for buyer transactions, the user-buyer 20 must obtain a subscriber account 100 with the payment system 10 (*Rose*, col. 5, lines 18 – 20). The user-buyer's 20 account 100 includes a "pay-in section" 108, wherein "the pay-in selection 108 is how the cardholder ... makes payment, for use with the payment system 10. Typically, this may be done by using a conventional authorization to charge a credit card." (*Rose*, col. 5, lines 60 – 64).

In the Office Action, the examiner asserted that *Rose* discloses each of the elements of claim 63, the first independent claim set forth by Applicants. Applicants have diligently studied *Rose* and are unable to locate any relevant information on which the examiner could reasonably rely upon in making such a rejection. Thus, Applicants assert that the examiner's rejection under 35 U.S.C. § 102(b) is improper and should be withdrawn.

By way of example, the examiner cited col. 2, line 50 – col. 5, line 14 of *Rose* as anticipating the following claim element of claim 63:

[C]ommunicating information to the buyer computer system for displaying the transaction information and enabling the selection by the buyer of a prearranged cash deposit payment instrument for use in effecting payment

in connection with the transaction, the prearranged cash deposit payment instrument issued by a cash deposit payment instrument processor.

Office Action 08/10/2004, page 2; lines 10 – 112, page 3, line 1.

Applicants cannot understand how the examiner can reasonably rely on this passage as anticipatory and therefore respectfully disagree with the examiner's assertion.

The portion of *Rose* cited by the examiner is specifically directed to the underlying general concepts of a payment system in accordance with *Rose*. Col. 2, line 50 – col. 5, line 14 of *Rose* describes a method and system for the purchasing of goods and services via the Internet. Described within the cited text is the concept that a plurality of system users are in communication with each other via an Internet connection. Further described in the text is that a payment system, a financial transaction settlement system, a seller's agent and credit card bureaus are implemented within the system that is described in *Rose*. Specifically, the financial transaction settlement system of *Rose* may represent commercially available credit card processing institutions. (*Rose*, col. 3, lines 20 – 22).

Further, the described financial transaction settlement system comprises two components, an issuer and an acquirer, wherein "the issuer 32 includes banks ... that issue credit cards to persons, send statements and bills to credit card holders on a regular basis, and collect payment from the credit card holders. These functions are not performed on the Internet but use conventional mail delivery, authorized direct withdrawals from bank accounts, etc." (*Rose*, col. 3, lines 24 – 30). The acquirer processes the user charge that is received from the payment system and passes the charge information on to the issuer.

Nowhere in this description does *Rose* address the above-cited element of Applicants' systems and methods. *Rose*, in contrast, is not concerned with and does not address how cash deposit funds are to be deposited with a financial institution, but rather specifies how a system user-buyer is to be billed at a later time period by way of a conventional post mailing system.

Likewise, the examiner asserted that col. 11, line 33 – col. 12, line 18 of *Rose* anticipated the following claim element:

[D]etermining a required deposit amount including at least the transaction amount and corresponding to the amount of cash that the buyer must deposit with the cash deposit payment instrument processor to fund the prearranged cash deposit payment instrument.

Office Action 08/10/2004, page 3; lines 5 – 7.

Applicants have reviewed the sections cited by the examiner and found no description that correlates to the determining of a required deposit amount that includes at least the transaction amount and corresponds to the amount of cash that a buyer must deposit with a cash deposit payment instrument processor to fund a prearranged cash deposit payment instrument. In contrast, *Rose* describes how “a payment system can process a charge to the user using the conventional, commercially available credit card system.” (*Rose*, col. 11, lines 55 – 57). Further, *Rose* describes, “the issuer bank 32 may send the buyer a bill (other than a credit card bill) for the accumulated charges.” (*Id.* at lines 61 – 63).

The examiner further asserted that col. 18, line 55 – col. 23, line 53 of *Rose* anticipated Applicants’ claim element:

[S]toring a cash deposit payment instrument registration record in a memory associated with the payment enabling system, the registration record storing the buyer information, the required deposit amount, and a data field indicating whether the required cash deposit has been received by the cash deposit payment instrument processor.

Office Action 08/10/2004, page 3; lines 9 – 12.

The Applicants have reviewed *Rose* and observes that *Rose* only contains 14 columns and there are no cols. 18 – 23. As such, Applicants respectfully request that the examiner clarify his reason for rejection or withdraw the standing rejection.

Yet further, the examiner asserted that FIG. 6 of *Rose* anticipated Applicants’ following claim element:

[C]ommunicating information to the cash deposit payment instrument processor comprising the required deposit amount and buyer information.

Office Action 08/10/2004, page 3; lines 13 – 14.

Upon a review of FIGS. 6A – 6F Applicants were not able to find a correlation between FIGS. 6A – 6F and the above cited claim limitation. While FIGS. 6A – 6F illustrate data messages that are used in conjunction with the invention of *Rose*, the *Rose* patent does not teach or describe

that the data messages are utilized to communicate information to a cash deposit payment instrument processor wherein the communication comprises a required deposit amount and buyer information.

Additionally, the examiner asserted that FIG. 6 of *Rose* anticipated Applicants' following claim element:

[I]n response to receipt of information from the cash deposit payment instrument processor that the required deposit amount has been received at a deposit location registered with the cash deposit payment instrument processor, updating the data field in the registration record indicating that the required deposit amount has been received by the cash deposit payment instrument processor.

Office Action 08/10/2004, page 3; lines 15 – 18.

The examiner further asserted that FIGS. 6 and 7 of *Rose* anticipates Applicants' claim element:

[I]n response to updating of the data field in the registration record indicating that the required deposit amount has been received by the cash deposit payment instrument processor, effecting completion of the transaction by making payment to the seller.

Office Action 08/10/2004, page 3; lines 20 – 22.

Given that there is no reference *anywhere* (in particular FIGS. 6 and 7) in *Rose* to the use of a data field to indicate whether the required deposit has been made, and further that *Rose* relates solely to credit card payment and not a cash deposit, Applicants cannot comprehend how the cited portions of *Rose* could somehow disclose these elements of Applicants' claimed invention.

In sum, the examiner has failed to establish that *Rose* anticipates each and every element of Applicants' claimed invention. *Rose* does not teach or disclose the effecting of a payment between a buyer and a seller in an online transaction wherein the payment involves a cash deposit that a buyer makes utilizing a cash deposit payment instrument. Neither does *Rose* teach or disclose a method or system including a data field that indicates whether a cash deposit has been made. *Rose* further does not teach a method in which, upon receipt of funds, the payment is made to the seller without further involvement from the buyer.

Given that *Rose* fails to teach or disclose a method or system for effecting a payment between a buyer and a seller in an online transaction, wherein the payment involves a cash deposit that a buyer makes utilizing a cash deposit payment instrument or that includes a data field to indicate whether a cash deposit has been made, and further fails to teach a method in which, upon receipt of the cash deposit, the payment is made to the seller without further involvement from the buyer, the use of *Rose* to support a rejection of claim 63 and its associated dependent claims under 35 U.S.C. § 102(b) is improper and should be withdrawn.

C. Distinctions Between *Rose* and Applicants' Inventions as Set Forth in Claims 81 – 98.

By way of the Office Action, the examiner used the rejection of the limitations of claim 63 as an example to support the rejections of claims 81 – 98. This rejection is respectfully traversed. For reasons including those discussed above in connection with the argument relating to the patentability of claim 63, it is submitted that the rejection of claims 81 – 98 as anticipated is also improper and should be reversed. In this regard, the arguments above relating to the impropriety of the rejection of claim 63 is repeated for claim 81 – 98 as if fully set forth herein. However, it is submitted that there are other reasons that claim 81 – 98 is not anticipated and for overruling the examiner's rejection of the claim, and the Board is requested to consider the following as an argument for separate patentability.

A careful review of claims 81 – 98 reveals that, while some elements are similar to those of claim 63 and its dependent claims, other elements are present only in claims 81 – 98. As such, Applicants put forward that the examiner has failed to demonstrate that *Rose* teaches or discloses each and every element of Applicants' claims 81 – 98.

Independent claim 81 and its associated dependent claims 82 – 98 are directed to a system for effecting payment between a buyer and a seller in an online transaction, involving a cash deposit that a buyer makes. The system provides for a payment enabling system wherein a cash deposit payment instrument registration record is stored in a memory, wherein the registration record stores the buyer information, the required deposit amount, and a data field indicating whether the required cash deposit has been received by the cash deposit payment instrument processor. Further, after the cash deposit is received by the cash deposit payment instrument processor, the cash deposit payment instrument processor notifies the payment

enabler that the buyer has deposited the required funds. The payment enabler updates a data field in a stored registration record to indicate that the cash deposit has been made. Upon updating the flag, the payment is automatically made to the seller by other aspects of the system, thereby completing the transaction.

Rose does not teach or disclose a system operative to effect a payment between a buyer and a seller in an online transaction wherein the payment involves a cash deposit that a buyer makes utilizing a cash deposit payment instrument. As mentioned above, *Rose* is strictly concerned with the use of a conventional authorization to charge a credit card. (*Rose*, col. 5, lines 60 – 64). Neither does *Rose* teach or disclose a system that includes a data field that indicates whether a cash deposit has been made. *Rose* further does not teach a system in which, upon receipt of funds, the payment is made to the seller without further involvement from the buyer.

Additionally, *Rose* fails to teach or disclose a system for effecting a payment between a buyer and a seller in an online transaction, wherein the payment involves a cash deposit that a buyer makes utilizing a cash deposit payment instrument or that includes a data field to indicate whether a cash deposit has been made, and further fails to teach a system in which, upon receipt of the cash deposit, the payment is made to the seller without further involvement from the buyer. For the above-stated reasons in addition to the reasons similar to those set forth above in connection with the discussion of claim 63, it is respectfully submitted that the rejection of claim 81 and its associated dependent claims under 35 U.S.C. § 102(b) is improper and should be withdrawn.

D. Distinctions Between *Rose* and Applicants' Inventions as Set Forth in Claims 99 – 115.

The examiner used the rejection of the limitations of claim 63 as an example to support the rejections of claims 99 – 115. This rejection is respectfully traversed. For reasons including those discussed above in connection with the argument relating to the patentability of claim 63, it is submitted that the rejection of claims 99 – 115 as anticipated is also improper and should be reversed. In this regard, the arguments above relating to the impropriety of the rejection of claim 63 is repeated for claim 99 – 115 as if fully set forth herein. However, it is submitted that there are other reasons that claim 99 – 115 is not anticipated and for overruling the examiner's

rejection of the claim, and the Board is requested to consider the following as an argument for separate patentability.

A careful review of claims 99 – 115 reveals that, while some elements are similar to those of claim 63 and its dependent claims, other elements are present only in claims 99 – 115. As such, Applicants assert that the examiner has failed to demonstrate that *Rose* teaches or discloses each and every element of Applicants' claims 99 – 115.

In particular claim 99 and its associated dependent claims 100 – 115 provide for the reception of payment instrument registration information input by the buyer via the buyer computer. The payment instrument registration information includes buyer information and indicates the selection of a prearranged cash deposit payment instrument chosen by the buyer for effecting payment to the seller in connection with the transaction. After the cash deposit is received by the cash deposit payment instrument processor, the cash deposit payment instrument processor then notifies the payment enabler that the buyer has deposited the required funds. Further, the payment enabler then updates a data field in a stored registration record to indicate that the cash deposit has been made. Upon updating the flag, the payment is automatically made to the seller by other aspects of the system, thereby completing the transaction.

Rose does not teach or disclose the effecting of a payment between a buyer and a seller in an online transaction wherein the payment involves a cash deposit that a buyer makes utilizing a cash deposit payment instrument. *Rose* does not teach or disclose the reception of payment instrument registration information input by the buyer via the buyer computer. Neither does *Rose* teach or disclose a method including a data field that indicates whether a cash deposit has been made. *Rose* further does not teach a method in which, upon receipt of funds, the payment is made to the seller without further involvement from the buyer.

Rose fails to teach or disclose a method or system for effecting a payment between a buyer and a seller in an online transaction, wherein the payment involves a cash deposit that a buyer makes utilizing a cash deposit payment instrument or that includes a data field to indicate whether a cash deposit has been made, and further fails to teach a method in which the payment instrument registration information input by the buyer via the buyer computer is received. For the above-stated reasons in addition to the reasons set forth above in connection with the discussion of claim 63, it is respectfully submitted that the rejection of claim 99 and its associated dependent claims under 35 U.S.C. § 102(b) is improper and should be withdrawn.

E. Distinctions Between *Rose* and Applicants' Inventions as Set Forth in Claims 116 – 132.

The examiner used the rejection of the limitations of claim 63 as an example to support the rejections of claims 116 – 132. This rejection is respectfully traversed. For reasons including those discussed above in connection with the argument relating to the patentability of claim 63, it is submitted that the rejection of claims 116 – 132 as anticipated is also improper and should be reversed. In this regard, the arguments above relating to the impropriety of the rejection of claim 63 is repeated for claim 116 – 132 as if fully set forth herein. However, it is submitted that there are other reasons that claim 116 – 132 is not anticipated and for overruling the examiner's rejection of the claim, and the Board is requested to consider the following as an argument for separate patentability.

A careful review of claims 116 – 132 reveals that, while some elements are similar to those of claim 63 and its dependent claims, other elements are present only in claims 116 – 132. As such, Applicants posit that the examiner has failed to demonstrate that *Rose* teaches or discloses each and every element of Applicants' claims 116 – 132.

Claim 116 and its associated dependent claims 117 – 132 are directed to a system for effecting payment between a buyer and a seller in an online transaction, involving a cash deposit that a buyer makes, and operative for communication with a cash deposit payment instrument processor. Claim 116 recites, among other things, a payment enabling system that is operative for enabling the registration by the buyer of a payment instrument for use in effecting payment in connection with the transaction, the payment instrument comprising a prearranged cash deposit payment instrument issued by the cash deposit payment instrument processor. In the event the cash deposit is received by the cash deposit payment instrument processor, the cash deposit payment instrument processor then notifies the payment enabling system that the buyer has deposited the required funds. In general, the payment enabling system then updates a data field in a stored registration record to indicate that the cash deposit has been made. Upon updating the flag, the payment is automatically made to the seller by other aspects of the system, thereby completing the transaction.

Rose does not teach or disclose the effecting of a payment between a buyer and a seller in an online transaction wherein the payment involves a cash deposit that a buyer makes utilizing a

cash deposit payment instrument. *Rose* does not teach or disclose any communication between a payment enabling system and a cash deposit payment instrument processor. *Rose* does not teach or disclose the enabling of the registration by the buyer of a payment instrument for use in effecting payment in connection with the transaction. Neither does *Rose* teach or disclose a system including a data field that indicates whether a cash deposit has been made. *Rose* further does not teach a method or system in which, upon receipt of funds, the payment is made to the seller without further involvement from the buyer.

Further, *Rose* fails to teach or disclose a system for effecting a payment between a buyer and a seller in an online transaction, wherein the payment involves a cash deposit that a buyer makes utilizing a cash deposit payment instrument or that includes a data field to indicate whether a cash deposit has been made, and further fails to teach the enabling of the registration by the buyer of a payment instrument for use in effecting payment in connection with the transaction. For the above-stated reasons in addition to the reasons set forth above in connection with the discussion of claim 63, it is respectfully submitted that the rejection of claim 116 and its associated dependent claims under 35 U.S.C. § 102(b) is improper and should be withdrawn.

F. Distinctions Between *Rose* and Applicants' Inventions as Set Forth in Claims 133 – 150.

The examiner used the rejection of the limitations of claim 63 as an example to support the rejections of claims 133 – 150. This rejection is respectfully traversed. For reasons including those discussed above in connection with the argument relating to the patentability of claim 63, it is submitted that the rejection of claims 133 – 150 as anticipated is also improper and should be reversed. In this regard, the arguments above relating to the impropriety of the rejection of claim 63 is repeated for claim 133 – 150 as if fully set forth herein. However, it is submitted that there are other reasons that claim 133 – 150 is not anticipated and for overruling the examiner's rejection of the claim, and the Board is requested to consider the following as an argument for separate patentability.

A careful review of claims 133 – 150 reveals that, while some elements are similar to those of claim 63 and its dependent claims, other elements are present only in claims 133 – 150. As such, Applicants posit that the examiner has failed to demonstrate that *Rose* teaches or discloses each and every element of Applicants' claims 133 – 150.

Claim 133 and its associated dependent claims are directed to a method for effecting a payment in connection with an online transaction utilizing a cash deposit payment instrument, wherein the method involves steps of a transaction computer, a payment enabling system and a cash deposit payment instrument processor, and including steps involving registration of a payment instrument and communicating information to the seller computer for notifying the seller that payment has been arranged. When a cash deposit is received by the cash deposit payment instrument processor, the cash deposit payment instrument processor then notifies the payment enabler that the buyer has deposited the required funds. Thereafter, the payment enabler then updates a data field in a stored registration record to indicate that the cash deposit has been made. Further, in response to receipt of information at the payment enabling system indicating that the required deposit amount has been received by the cash deposit payment instrument processor, information is communicated to the seller computer notifying the seller that payment in connection with the transaction has been arranged and providing instructions to the seller to ship the goods.

Rose does not teach or disclose any method for effecting of a payment between a buyer and a seller in an online transaction wherein the payment involves a cash deposit that a buyer makes utilizing a cash deposit payment instrument. Neither does *Rose* teach or disclose a method including a data field that indicates whether a cash deposit has been made and in the event a cash deposit has been made notifying the seller of the transaction. *Rose* further does not teach a method in which, upon receipt of funds, the payment is made to the seller without further involvement from the buyer.

Additionally, *Rose* fails to teach or disclose a method for effecting a payment between a buyer and a seller in an online transaction, wherein the payment involves a cash deposit that a buyer makes utilizing a cash deposit payment instrument or that includes a data field to indicate whether a cash deposit has been made, and further fails to teach a method in which, upon receipt of the cash deposit, the seller is notified of the arrangement of payment in connection with the transaction. For the above-stated reasons in addition to the reasons set forth above in connection with the discussion of claim 63, it is respectfully submitted that the rejection of claim 133 and its associated dependent claims under 35 U.S.C. § 102(b) is improper and should be withdrawn.

G. Distinctions Between *Rose* and Applicants' Inventions as Set Forth in Claims 151 – 168.

The examiner used the rejection of the limitations of claim 63 as an example to support the rejections of claims 151 – 168. This rejection is respectfully traversed. For reasons including those discussed above in connection with the argument relating to the patentability of claim 63, it is submitted that the rejection of claims 151 – 168 as anticipated is also improper and should be reversed. In this regard, the arguments above relating to the impropriety of the rejection of claim 63 is repeated for claim 151 – 168 as if fully set forth herein. However, it is submitted that there are other reasons that claim 151 – 168 is not anticipated and for overruling the examiner's rejection of the claim, and the Board is requested to consider the following as an argument for separate patentability.

A careful review of claims 151 – 168 reveals that, while some elements are similar to those of claim 63 and its dependent claims, other elements are present only in claims 151 – 168. As such, Applicants posit that the examiner has failed to demonstrate that *Rose* teaches or discloses each and every element of Applicants' claims 151 – 168.

Claim 151 and its associated dependent claims 152 – 168 are directed to aspects of a system for effecting a payment in connection with an online transaction utilizing a cash deposit payment instrument, comprising a transaction computer, a payment enabling system, and one or more payment instrument processors including a cash deposit payment instrument processor, and including operations involving registration of a payment instrument. Further, in response to receipt of information indicating that the required deposit amount has been received by the cash deposit payment instrument processor, the system is operative for communicating information to the seller computer for notifying the seller that payment in connection with the transaction has been arranged and providing instructions to the seller to ship the goods.

Rose does not teach or disclose the effecting of a payment between a buyer and a seller in an online transaction wherein the payment involves a cash deposit that a buyer makes utilizing a cash deposit payment instrument. *Rose* does not teach or disclose any communication between a payment enabling system and a cash deposit payment instrument processor. Neither does *Rose* teach or disclose a system including a data field that indicates whether a cash deposit has been made and in the event a cash deposit has been made notifying the seller of the transaction. *Rose*

further does not teach a system in which, upon receipt of funds, the payment is made to the seller without further involvement from the buyer.

Rose fails to teach or disclose a system for effecting a payment between a buyer and a seller in an online transaction, wherein the payment involves a cash deposit that a buyer makes utilizing a cash deposit payment instrument or that includes a data field to indicate whether a cash deposit has been made, and further fails to teach a system in which, upon receipt of the cash deposit, the seller is notified of the completion of the transaction. For the above-stated reasons in addition to the reasons set forth above in connection with the discussion of claim 63, it is respectfully submitted that the rejection of claim 133 and its associated dependent claims under 35 U.S.C. § 102(b) is improper and should be withdrawn.

H. Conclusion

Applicants respectfully submits that the examiner has failed to make a *prima facie* case of anticipation over *Rose* to support a rejection under 35 U.S.C. § 102(b). Applicants submit that the pending claims 63 – 168 recite inventions that are novel over the art cited by the examiner, as the art fails to teach or disclose the claimed aspects of methods and systems for effecting payment in connection with an online transaction utilizing a cash deposit payment instrument as shown and described in this application, and as claimed in the claims submitted herein.

I. Summary of Argument

The issue on appeal is whether claims 63 – 168 are anticipated under 35 U.S.C. § 102(b) over *Rose*. There is no disclosure, teaching, or suggestion in *Rose* that would anticipate the claims of the present invention. Applicants submit that *Rose* does not anticipate the present invention as claimed. Because *Rose* does not disclose each every element specified in the claims of the present application either expressly or inherently, the record of this case indicates by a preponderance of the evidence that the claims of the present application should be patentable over the cited art.

For at least the reasons stated above, Applicants respectfully requests that the Board of Patent Appeals and Interferences reverse the examiner's rejections of the claims of the present invention and allow claims 63 – 168.

IX. CLAIMS APPENDIX

Claims 1-62 (Previously canceled)

63. (Previously added) In an online commerce system including a buyer computer operated by a buyer, a seller computer operated by a seller, and a transaction facilitator comprising a network-accessible transaction computer that facilitates commercial transactions between buyers and sellers, a method for effecting a cash payment from a buyer to a seller in connection with an online transaction utilizing a payment enabling system operated by a payment enabler, comprising the computer-implemented steps of:

receiving transaction information from the transaction computer in response to a proposed transaction between the buyer and the seller facilitated by the transaction facilitator, the transaction information including a transaction amount;

communicating information to the buyer computer system for displaying the transaction information and enabling the selection by the buyer of a prearranged cash deposit payment instrument for use in effecting payment in connection with the transaction, the prearranged cash deposit payment instrument issued by a cash deposit payment instrument processor;

receiving cash deposit payment instrument information input by the buyer via the buyer computer, the cash deposit payment instrument information including buyer information;

determining a required deposit amount including at least the transaction amount and corresponding to the amount of cash that the buyer must

deposit with the cash deposit payment instrument processor to fund the prearranged cash deposit payment instrument;

storing a cash deposit payment instrument registration record in a memory associated with the payment enabling system, the registration record storing the buyer information, the required deposit amount, and a data field indicating whether the required cash deposit has been received by the cash deposit payment instrument processor;

communicating information to the cash deposit payment instrument processor comprising the required deposit amount and buyer information;

in response to receipt of information from the cash deposit payment instrument processor that the required deposit amount has been received at a deposit location registered with the cash deposit payment instrument processor, updating the data field in the registration record indicating that the required deposit amount has been received by the cash deposit payment instrument processor; and

in response to updating of the data field in the registration record indicating that the required deposit amount has been received by the cash deposit payment instrument processor, effecting completion of the transaction by making payment to the seller.

64. (Previously added) The method of claim 63, further comprising the steps of: communicating information to the buyer computer system for displaying payment instrument information and enabling the registration by the buyer of the cash deposit payment instrument for use in effecting payment in connection with the transaction; and

receiving payment instrument registration information input by the buyer via the buyer computer, the payment instrument registration information including information indicating selection of the prearranged cash deposit payment instrument chosen by the buyer.

65. (Previously added) The method of claim 64, wherein the prearranged cash deposit payment instrument is one of a plurality of selectable payment instruments that the buyer may select for effecting payment, and wherein the information communicated to the buyer computer system for displaying payment instrument information and enabling the registration of a payment instrument comprises information relating to the plurality of selectable payment instruments.
66. (Previously added) The method of claim 64, wherein the payment instrument registration information includes a buyer-entered deposit amount.
67. (Previously added) The method of claim 66, wherein the buyer-entered deposit amount is at least the required deposit amount.
68. (Previously added) The method of claim 64, wherein the step of receiving payment instrument registration information input by the buyer via the buyer computer comprises receiving information corresponding to multiple payment instruments.
69. (Previously added) The method of claim 64, wherein the steps of communicating information for displaying payment instrument information and receiving payment instrument registration information occur prior to the transaction between the buyer and the seller in a static registration process.

70. (Previously added) The method of claim 64, wherein the steps of communicating information for displaying payment instrument information and receiving payment instrument registration information occur after to the transaction between the buyer and the seller in a dynamic registration process.
71. (Previously added) The method of 63, wherein the required deposit amount is at least the transaction amount.
72. (Previously added) The method of claim 63, wherein the buyer information includes buyer identification information, and wherein the buyer identification information is communicated to the cash deposit instrument payment processor.
73. (Previously added) The method of claim 63, further comprising the step of electronically requesting authorization for payment in an amount of at least the transaction amount for the prearranged cash deposit payment instrument from the cash deposit payment instrument processor.
74. (Previously added) The method of claim 73, wherein the amount requested for authorization in the requesting authorization step comprises the required deposit amount.
75. (Previously added) The method of claim 73, wherein receipt of information from the cash deposit payment instrument processor that the required cash deposit has been made at the deposit location results from the requesting authorization step.
76. (Previously added) The method of claim 73, wherein the amount for which authorization is sought in the requesting authorization step includes any additional charges associated with the transaction.

77. (Previously added) The method of claim 63, further comprising the step of determining if goods of the transaction have been acceptably delivered prior to making payment to the seller.
78. (Previously added) The method of claim 63, further comprising step of, in response to information from the cash deposit payment instrument processor that the required deposit amount has been received from the buyer at the deposit location, transferring funds received from the buyer to a bank account of an intermediary, prior to making payment to the seller.
79. (Previously added) The method of claim 78, wherein the transfer of funds from the cash deposit payment instrument processor to the bank account of the intermediary is by direct deposit.
80. (Previously added) The method of claim 63, further comprising the steps of:
- communicating information to the seller computer system for displaying disbursement instrument information and enabling the registration by the seller of a disbursement instrument for use in receiving payment in connection with the transaction; and
- wherein the step of effecting completion of the transaction by making payment to the seller comprises utilizing the registered disbursement instrument for making the payment.
81. (Previously added) A system for effecting payment for goods purchased by a buyer using a buyer computer from a seller using a seller computer in an online transaction facilitated by a transaction facilitator, a payment to the seller conditioned on receipt of a cash deposit by the buyer at a deposit location

registered to a cash deposit payment instrument processor, the transaction facilitator operating a network-accessible transaction computer that facilitates commercial transactions between buyers and sellers, comprising:

a payment enabling system;

an interface for data communications with the buyer computer;

an interface for data communications with the seller computer;

an interface for data communications with the transaction computer;

an interface for data communications with at least one cash deposit payment instrument processor that issues cash deposit payment instruments;

the payment enabling system operative for receiving transaction information from the transaction computer in response to a proposed transaction between the buyer and the seller facilitated by the transaction facilitator, the transaction information including a transaction amount;

the payment enabling system operative for communicating information to the buyer computer system for displaying the transaction information and enabling the selection by the buyer of a prearranged cash deposit payment instrument for use in effecting payment in connection with the transaction;

the payment enabling system further operative determining a required deposit amount including at least the transaction amount and corresponding to the amount of cash that the buyer must deposit with the cash deposit

payment instrument processor to fund the prearranged cash deposit payment instrument;

the payment enabling system further operative for storing a cash deposit payment instrument registration record in a memory, the registration record storing the buyer information, the required deposit amount, and a data field indicating whether the required cash deposit has been received by the cash deposit payment instrument processor;

the payment enabling system further operative for communicating information to the cash deposit payment instrument processor comprising the required deposit amount and buyer information;

the payment enabling system further operative, in response to receipt of information from the cash deposit payment instrument processor that the required deposit amount has been received at a deposit location registered with the cash deposit payment instrument processor, for updating the data field in the registration record indicating that the required deposit amount has been received by the cash deposit payment instrument processor; and

the payment enabling system further operative, in response to updating of the data field in the registration record indicating that the required deposit amount has been received by the cash deposit payment instrument processor, for effecting completion of the transaction by making payment to the seller.

82. (Previously added) The system of claim 81, wherein the payment enabling system is further operative for communicating information to the buyer computer system for displaying payment instrument information and enabling the registration by the

buyer of at least one payment instrument for use in effecting payment in connection with the transaction; and

wherein the payment enabling system further operative for receiving payment instrument registration information input by the buyer via the buyer computer, the payment instrument registration information including the buyer information and information indicating selection of the prearranged cash deposit payment instrument for effecting payment to the seller in connection with the transaction.

83. (Previously added) The system of claim 82, wherein the prearranged cash deposit payment instrument is one of a plurality of selectable payment instruments that the buyer may select for effecting payment, and wherein the information communicated to the buyer computer system for displaying payment instrument information and enabling the registration of a payment instrument comprises information relating to the plurality of selectable payment instruments.
84. (Previously added) The system of claim 82, wherein the operation of the payment enabling system of receiving payment instrument registration information input by the buyer via the buyer computer comprises receiving information corresponding to multiple payment instruments.
85. (Previously added) The system of claim 82, wherein the operations of communicating information for displaying payment instrument information and receiving payment instrument registration information occur prior to the transaction between the buyer and the seller in a static registration process.
86. (Previously added) The system of claim 82, wherein the operations of communicating information for displaying payment instrument information and

receiving payment instrument registration information occur after to the transaction between the buyer and the seller in a dynamic registration process.

87. (Previously added) The system of claim 82, wherein the payment instrument registration information includes a buyer-entered deposit amount.
88. (Previously added) The system of claim 87, wherein the buyer-entered deposit amount is at least the required deposit amount.
89. (Previously added) The system of claim 81, wherein the buyer information includes buyer identification information, and wherein the buyer identification information is communicated to the cash deposit instrument payment processor.
90. (Previously added) The system of claim 81, wherein the payment enabling system is further operative for electronically requesting authorization for payment in an amount of at least the transaction amount for the prearranged cash deposit payment instrument from the cash deposit payment instrument processor.
91. (Previously added) The system of claim 90, wherein the amount requested for authorization in the requesting authorization operation comprises the required deposit amount.
92. (Previously added) The system of claim 90, wherein receipt of information from the cash deposit payment instrument processor that the required cash deposit has been made at the deposit location results from the requesting authorization operation.

93. (Previously added) The system of claim 90, wherein the amount for which authorization is sought in the requesting authorization operation includes any additional charges associated with the transaction.
94. (Previously added) The system of 81, wherein the required deposit amount is at least the transaction amount.
95. (Previously added) The system of claim 81, wherein the payment enabling system is further operative for determining if goods of the transaction have been acceptably delivered prior to making payment to the seller.
96. (Previously added) The system of claim 81, wherein the payment enabling system is further operative, in response to information from the cash deposit payment instrument processor that the required deposit amount has been received from the buyer at the deposit location, for transferring funds received from the buyer to a bank account of an intermediary, prior to making payment to the seller.
97. (Previously added) The system of claim 96, wherein the transfer of funds from the cash deposit payment instrument processor to the bank account of the intermediary is by direct deposit.
98. (Previously added) The system of claim 81, wherein the payment enabling system is further operative for:

communicating information to the seller computer system for displaying disbursement instrument information and enabling the registration by the seller of a disbursement instrument for use in receiving payment in connection with the transaction; and

wherein the operation of effecting completion of the transaction by making payment to the seller comprises utilizing the registered disbursement instrument for making the payment.

99. (Previously added) In an online commerce system including a buyer computer operated by a buyer, a seller computer operated by a seller, and a transaction facilitator comprising a network-accessible transaction computer that facilitates commercial transactions between buyers and sellers, a method for effecting a cash payment from a buyer to a seller in connection with an online transaction utilizing a payment enabling system operated by a payment enabler, comprising the computer-implemented steps of:

receiving transaction information from the transaction computer in response to a proposed transaction between the buyer and the seller facilitated by the transaction facilitator, the transaction information including a transaction amount;

communicating information to the buyer computer system for displaying payment instrument information and enabling the registration by the buyer of a payment instrument for use in effecting payment in connection with the transaction, the payment instrument comprising a prearranged cash deposit payment instrument issued by a cash deposit payment instrument processor;

receiving payment instrument registration information input by the buyer via the buyer computer, the payment instrument registration information including buyer information and indicating selection of the prearranged cash deposit payment instrument chosen by the buyer for effecting payment to the seller in connection with the transaction;

determining a required deposit amount including at least the transaction amount and corresponding to the amount of cash that the buyer must deposit with the cash deposit payment instrument processor to fund the prearranged cash deposit payment instrument;

storing a cash deposit payment instrument registration record in a memory associated with the payment enabling system, the registration record storing the buyer information, the required deposit amount, and a data field indicating whether the required cash deposit has been received by the cash deposit payment instrument processor;

communicating information to the cash deposit payment instrument processor comprising the required deposit amount and buyer information;

in response to receipt of information from the cash deposit payment instrument processor that the required deposit amount has been received at a deposit location registered with the cash deposit payment instrument processor, updating the data field in the registration record indicating that the required deposit amount has been received by the cash deposit payment instrument processor; and

in response to updating of the data field in the registration record indicating that the required deposit amount has been received by the cash deposit payment instrument processor, effecting completion of the transaction by making payment to the seller.

100. (Previously added) The method of claim 99, wherein the prearranged cash deposit payment instrument is one of a plurality of selectable payment instruments that the buyer may select for effecting payment, and wherein the information

communicated to the buyer computer system for displaying payment instrument information and enabling the registration of a payment instrument comprises information relating to the plurality of selectable payment instruments.

101. (Previously added) The method of claim 99, wherein the buyer information includes buyer identification information, and wherein the buyer identification information is communicated to the cash deposit instrument payment processor.
102. (Previously added) The method of claim 99, further comprising the step of electronically requesting authorization for payment in an amount of at least the transaction amount for the prearranged cash deposit payment instrument from the cash deposit payment instrument processor.
103. (Previously added) The method of claim 102, wherein the amount requested for authorization in the requesting authorization step comprises the required deposit amount.
104. (Previously added) The method of claim 102, wherein receipt of information from the cash deposit payment instrument processor that the required cash deposit has been made at the deposit location results from the requesting authorization step.
105. (Previously added) The method of claim 102, wherein the amount for which authorization is sought in the requesting authorization step includes any additional charges associated with the transaction.
106. (Previously added) The method of claim 99, wherein the payment instrument registration information includes a buyer-entered deposit amount.

107. (Previously added) The method of claim 106, wherein the buyer-entered deposit amount is at least the required deposit amount.
108. (Previously added) The method of 99, wherein the required deposit amount is at least the transaction amount.
109. (Previously added) The method of claim 99, further comprising the step of determining if goods of the transaction have been acceptably delivered prior to making payment to the seller.
110. (Previously added) The method of claim 99, further comprising step of, in response to information from the cash deposit payment instrument processor that the required deposit amount has been received from the buyer at the deposit location, transferring funds received from the buyer to a bank account of an intermediary, prior to making payment to the seller.
111. (Previously added) The method of claim 110, wherein the transfer of funds from the cash deposit payment instrument processor to the bank account of the intermediary is by direct deposit.
112. (Previously added) The method of claim 99, wherein the step of receiving payment instrument registration information input by the buyer via the buyer computer comprises receiving information corresponding to multiple payment instruments.
113. (Previously added) The method of claim 99, further comprising the steps of:

communicating information to the seller computer system for

displaying disbursement instrument registration information and enabling the registration by the seller of a disbursement instrument for use in receiving payment in connection with the transaction; and

wherein the step of effecting completion of the transaction by making payment to the seller comprises utilizing the registered disbursement instrument for making the payment.

114. (Previously added) The method of claim 99, wherein the steps of communicating information for displaying payment instrument information and receiving payment instrument registration information occur prior to the transaction between the buyer and the seller in a static registration process.
115. (Previously added) The method of claim 99, wherein the steps of communicating information for displaying payment instrument information and receiving payment instrument registration information occur after to the transaction between the buyer and the seller in a dynamic registration process.
116. (Previously added) A system for effecting payment for goods purchased by a buyer using a buyer computer from a seller using a seller computer in an online transaction facilitated by a transaction facilitator, a payment to the seller conditioned on receipt of a cash deposit by the buyer at a deposit location registered to a cash deposit payment instrument processor, the transaction facilitator operating a network-accessible transaction computer that facilitates commercial transactions between buyers and sellers, comprising:

a payment enabling system;

an interface for data communications with the buyer computer;

an interface for data communications with the seller computer;

an interface for data communications with the transaction computer;

an interface for data communications with at least one payment instrument processor;

the payment enabling system operative for receiving transaction information from the transaction computer in response to a proposed transaction between the buyer and the seller facilitated by the transaction facilitator, the transaction information including a transaction amount;

the payment enabling system operative for communicating information to the buyer computer system for displaying payment instrument information and enabling the registration by the buyer of a payment instrument for use in effecting payment in connection with the transaction, the payment instrument comprising a prearranged cash deposit payment instrument issued by the cash deposit payment instrument processor;

the payment enabling system further operative for receiving payment instrument registration information input by the buyer via the buyer computer, the payment instrument registration information including buyer information and indicating selection of the prearranged cash deposit payment instrument for effecting payment to the seller in connection with the transaction;

the payment enabling system determining a required deposit amount including at least the transaction amount and corresponding to the amount

of cash that the buyer must deposit with the cash deposit payment instrument processor to fund the prearranged cash deposit payment instrument;

the payment enabling system further operative for storing a cash deposit payment instrument registration record in a memory, the registration record storing the buyer information, the required deposit amount, and a data field indicating whether the required cash deposit has been received by the cash deposit payment instrument processor;

the payment enabling system further operative for communicating information to the cash deposit payment instrument processor comprising the required deposit amount and buyer information;

the payment enabling system further operative, in response to receipt of information from the cash deposit payment instrument processor that the required deposit amount has been received at a deposit location registered with the cash deposit payment instrument processor, for updating the data field in the registration record indicating that the required deposit amount has been received by the cash deposit payment instrument processor; and

the payment enabling system further operative, in response to updating of the data field in the registration record indicating that the required deposit amount has been received by the cash deposit payment instrument processor, for effecting completion of the transaction by making payment to the seller.

117. (Previously added) The system of claim 116, wherein the prearranged cash deposit payment instrument is one of a plurality of selectable payment instruments that the

buyer may select for effecting payment, and wherein the information communicated to the buyer computer system for displaying payment instrument information and enabling the registration of a payment instrument comprises information relating to the plurality of selectable payment instruments.

118. (Previously added) The system of claim 116, wherein the buyer information includes buyer identification information, and wherein the buyer identification information is communicated to the cash deposit instrument payment processor.
119. (Previously added) The system of claim 116, wherein the payment enabling system is further operative for electronically requesting authorization for payment in an amount of at least the transaction amount for the prearranged cash deposit payment instrument from the cash deposit payment instrument processor.
120. (Previously added) The system of claim 119, wherein the amount requested for authorization in the requesting authorization operation comprises the required deposit amount.
121. (Previously added) The system of claim 119, wherein receipt of information from the cash deposit payment instrument processor that the required cash deposit has been made at the deposit location results from the requesting authorization operation.
122. (Previously added) The system of claim 119, wherein the amount for which authorization is sought in the requesting authorization operation includes any additional charges associated with the transaction.
123. (Previously added) The system of claim 116, wherein the payment instrument registration information includes a buyer-entered deposit amount.

124. (Previously added) The system of claim 123, wherein the buyer-entered deposit amount is at least the required deposit amount.
125. (Previously added) The system of 116, wherein the required deposit amount is at least the transaction amount.
126. (Previously added) The system of claim 116, wherein the payment enabling system is further operative for determining if goods of the transaction have been acceptably delivered prior to making payment to the seller.
127. (Previously added) The system of claim 116, wherein the payment enabling system is further operative, in response to information from the cash deposit payment instrument processor that the required deposit amount has been received from the buyer at the deposit location, for transferring funds received from the buyer to a bank account of an intermediary, prior to making payment to the seller.
128. (Previously added) The system of claim 127, wherein the transfer of funds from the cash deposit payment instrument processor to the bank account of the intermediary is by direct deposit.
129. (Previously added) The system of claim 116, wherein the operation of the payment enabling system of receiving payment instrument registration information input by the buyer via the buyer computer comprises receiving information corresponding to multiple payment instruments.
130. (Previously added) The system of claim 116, wherein the payment enabling system is further operative for:

communicating information to the seller computer system for displaying disbursement instrument information and enabling the registration by the seller of a disbursement instrument for use in receiving payment in connection with the transaction; and

wherein the operation of effecting completion of the transaction by making payment to the seller comprises utilizing the registered disbursement instrument for making the payment.

131. (Previously added) The system of claim 116, wherein the operations of communicating information for displaying payment instrument information and receiving payment instrument registration information occur prior to the transaction between the buyer and the seller in a static registration process.
132. (Previously added) The system of claim 116, wherein the operations of communicating information for displaying payment instrument information and receiving payment instrument registration information occur after to the transaction between the buyer and the seller in a dynamic registration process.
133. (Currently amended) In an online commerce system including a buyer computer operated by a buyer, a seller computer operated by a seller, a transaction facilitator comprising a network-accessible transaction computer that facilitates commercial transactions between buyers and sellers, a payment enabling system, and one or more payment instrument processors, a method for effecting a cash payment from a buyer to a seller in connection with an online transaction, comprising the computer-implemented steps of:

at the transaction computer, generating transaction information corresponding to a transaction between a buyer and a seller, the transaction

information including at least a transaction amount, and communicating the transaction information to the payment enabling system;

at the payment enabling system, receiving the transaction information from the transaction computer;

communicating information from the payment enabling system to the buyer computer system for displaying payment instrument information and enabling the registration by the buyer of one of a plurality of a payment instruments for use in effecting payment in connection with the transaction, the plurality of payment instruments including a prearranged cash deposit payment instrument issued by a cash deposit payment instrument processor;

receiving at the payment enabling system payment instrument registration information input by the buyer via the buyer computer, the payment instrument registration information including buyer information and indicating selection of the prearranged cash deposit payment instrument for effecting payment to the seller in connection with the transaction;

determining at the payment enabling system a required deposit amount, including at least the transaction amount, corresponding to the amount of cash that the buyer must deposit with the cash deposit payment instrument processor to fund the prearranged cash deposit payment instrument;

storing a cash deposit payment instrument registration record in a memory associated with the payment enabling system, the registration record storing the buyer information, the required deposit amount, and a data field indicating whether the required cash deposit has been received by the cash deposit payment instrument processor;

communicating the buyer information and the required deposit amount from the payment enabling system to the cash deposit payment instrument processor;

upon receipt of funds of at least the required deposit amount at a deposit location associated with the cash deposit instrument payment processor, communicating information to the payment enabling system that the required deposit amount has been received;

in response to receipt of information at the payment enabling system from the cash deposit payment instrument processor that the required deposit amount has been received, updating the data field in the registration record indicating that the required deposit amount has been received by the cash deposit payment instrument processor;

in response to receipt of information at the payment enabling system indicating that the required deposit amount has been received by the cash deposit payment instrument processor, communicating information to the seller computer for notifying the seller that payment in connection with the transaction has been arranged and providing instructions to the seller to ship the goods; and

in further response to receipt of information at the payment enabling system indicating that the required deposit amount has been received by the cash deposit payment instrument processor, effecting completion of the transaction by making payment to the seller.

134. (Previously added) The method of claim 133, wherein the step of effecting completion of the transaction by making payment to the seller is conditioned upon the prior receipt of information indicating that the goods have been acceptably delivered to the buyer.
135. (Previously added) The method of claim 133, wherein the prearranged cash deposit payment instrument is one of a plurality of selectable payment instruments that the buyer may select for effecting payment, and wherein the information communicated to the buyer computer system for displaying payment instrument information and enabling the registration of a payment instrument comprises information relating to the plurality of selectable payment instruments.
136. (Previously added) The method of claim 133, wherein the buyer information includes buyer identification information, and wherein the buyer identification information is communicated to the cash deposit instrument payment processor.
137. (Previously added) The method of claim 133, further comprising the step of the payment enabling system electronically requesting authorization for payment in an amount of at least the transaction amount for the prearranged cash deposit payment instrument from the cash deposit payment instrument processor.
138. (Previously added) The method of claim 137, wherein the amount requested for authorization in the requesting authorization step comprises the required deposit amount.
139. (Previously added) The method of claim 137, wherein receipt of information from the cash deposit payment instrument processor that the required cash deposit has been made at the deposit location results from the requesting authorization step.

140. (Previously added) The method of claim 137, wherein the amount for which authorization is sought in the requesting authorization step includes any additional charges associated with the transaction.
141. (Previously added) The method of claim 133, wherein the payment instrument registration information includes a buyer-entered deposit amount.
142. (Previously added) The method of claim 141, wherein the buyer-entered deposit amount is at least the required deposit amount.
143. (Previously added) The method of 133, wherein the required deposit amount is at least the transaction amount.
144. (Previously added) The method of claim 133, further comprising the step of determining if goods of the transaction have been acceptably delivered prior to making payment to the seller.
145. (Previously added) The method of claim 133, further comprising step of, in response to information from the cash deposit payment instrument processor that the required deposit amount has been received from the buyer at the deposit location, transferring funds received from the buyer to a bank account of an intermediary, prior to making payment to the seller.
146. (Previously added) The method of claim 145, wherein the transfer of funds from the cash deposit payment instrument processor to the bank account of the intermediary is by direct deposit.
147. (Previously added) The method of claim 133, wherein the step of receiving payment instrument registration information input by the buyer via the buyer

computer comprises receiving information corresponding to multiple payment instruments.

148. (Previously added) The method of claim 133, further comprising the steps of:

communicating information to the seller computer system for displaying disbursement instrument information and enabling the registration by the seller of a disbursement instrument for use in receiving payment in connection with the transaction; and

wherein the step of effecting completion of the transaction by making payment to the seller comprises utilizing the registered disbursement instrument for making the payment.

149. (Previously added) The method of claim 133, wherein the steps of communicating information for displaying payment instrument information and receiving payment instrument registration information occur prior to the transaction between the buyer and the seller in a static registration process.

150. (Previously added) The method of claim 133, wherein the steps of communicating information for displaying payment instrument information and receiving payment instrument registration information occur after to the transaction between the buyer and the seller in a dynamic registration process.

151. (Previously added) A system for effecting a cash payment from a buyer to a seller in connection with an online transaction, the buyer utilizing a buyer computer system and the seller utilizing a seller computer system to communicate via a computer network with a transaction facilitator that facilitates commercial transactions between buyers and sellers, comprising:

a network-accessible transaction computer operated by the transaction facilitator operative for generating transaction information corresponding to a transaction between a buyer and a seller and for communicating the transaction information to a payment enabling system, the transaction information including at least a transaction amount;

one or more payment instrument processors that effect payments based on a payment instrument, each payment instrument processor operative, in response to a request for a payment authorization in a requested amount from a payment enabling system, for determining whether to authorize the payment in the requested amount, and for communicating information indicating authorization of the payment in the requested amount to the payment enabling system, at least one of the payment instrument processors comprising a cash deposit payment instrument processor that issues prearranged cash deposit payment instruments;

a payment enabling system operative for effecting payments utilizing payment instruments issued by the payment instrument processors, the payment enabling system operative for communicating information to the buyer computer system for displaying payment instrument information and enabling the registration by the buyer of one or more payment instruments for use in effecting payment in connection with the transaction, the one or more payment instruments including at least the prearranged cash deposit payment instrument issued by the cash deposit payment instrument processor;

the payment enabling system further operative for receiving payment instrument registration information input by the buyer via the buyer

computer, the payment instrument registration information including buyer information and indicating selection of the prearranged cash deposit payment instrument for effecting payment to the seller in connection with the transaction;

the payment enabling system further operative for determining a required deposit amount, including at least the transaction amount, corresponding to the amount of cash that the buyer must deposit with the cash deposit payment instrument processor to fund the prearranged cash deposit payment instrument;

the payment enabling system further operative for storing a cash deposit payment instrument registration record in a memory, the registration record storing the buyer information, the required deposit amount, and a data field indicating whether the required cash deposit has been received by the cash deposit payment instrument processor;

the payment enabling system further operative for communicating the buyer information and the required deposit amount to the cash deposit payment instrument processor;

the cash deposit payment instrument processor operative, in response to receipt of the buyer information and the required deposit amount and upon receipt of funds of at least the required deposit amount at a deposit location associated with the cash deposit instrument payment processor, for communicating information to the payment enabling system that the required deposit amount has been received;

the payment enabling system further operative, in response to receipt of information from the cash deposit payment instrument processor that the required deposit amount has been received, for updating the data field in the registration record indicating that the required deposit amount has been received by the cash deposit payment instrument processor;

the payment enabling system further operative for, in response to receipt of information indicating that the required deposit amount has been received by the cash deposit payment instrument processor, for communicating information to the seller computer for notifying the seller that payment in connection with the transaction has been arranged and providing instructions to the seller to ship the goods; and

the payment enabling system further operative, in further response to receipt of information indicating that the required deposit amount has been received by the cash deposit payment instrument processor, for effecting completion of the transaction by making payment to the seller.

152. (Previously added) The system of claim 151, wherein the operation of effecting completion of the transaction by making payment to the seller is conditioned upon the prior receipt by the payment enabling system of information indicating that the goods have been acceptably delivered to the buyer.
153. (Previously added) The system of claim 151, wherein the prearranged cash deposit payment instrument is one of a plurality of selectable payment instruments that the buyer may select for effecting payment, and wherein the information communicated to the buyer computer system for displaying payment instrument information and enabling the registration of a payment instrument comprises

information relating to the plurality of selectable payment instruments in addition to the cash deposit payment instrument.

154. (Previously added) The system of claim 151, wherein the buyer information includes buyer identification information, and wherein the payment enabling system is further operative for communicating the buyer identification information to the cash deposit instrument payment processor.
155. (Previously added) The system of claim 151, wherein the payment enabling system is further operative for electronically requesting authorization for payment in an amount of at least the transaction amount for the prearranged cash deposit payment instrument from the cash deposit payment instrument processor.
156. (Previously added) The system of claim 155, wherein the amount requested for authorization in the requesting authorization step comprises the required deposit amount.
157. (Previously added) The system of claim 155, wherein receipt of information by the payment enabling system from the cash deposit payment instrument processor that the required cash deposit has been made at the deposit location results from the requesting authorization operation.
158. (Previously added) The system of claim 155, wherein the amount for which authorization is sought in the requesting authorization operation includes any additional charges associated with the transaction.
159. (Previously added) The system of claim 151, wherein the payment instrument registration information includes a buyer-entered deposit amount.

160. (Previously added) The system of claim 159, wherein the buyer-entered deposit amount is at least the required deposit amount.
161. (Previously added) The system of 151, wherein the required deposit amount is at least the transaction amount.
162. (Previously added) The system of claim 151, wherein the payment enabling system is further operative for determining if goods of the transaction have been acceptably delivered prior to making payment to the seller.
163. (Previously added) The system of claim 151, wherein the payment enabling system is further operative, in response to information from the cash deposit payment instrument processor that the required deposit amount has been received from the buyer at the deposit location, for transferring funds received from the buyer to a bank account of an intermediary, prior to making payment to the seller.
164. (Previously added) The system of claim 163, wherein the transfer of funds from the cash deposit payment instrument processor to the bank account of the intermediary is by direct deposit.
165. (Previously added) The system of claim 151, wherein the operation of receiving payment instrument registration information input by the buyer via the buyer computer comprises receiving information corresponding to multiple payment instruments.
166. (Previously added) The system of claim 151, wherein the payment enabling system is further operative for:

communicating information to the seller computer system for displaying disbursement instrument information and enabling the registration by the seller of a disbursement instrument for use in receiving payment in connection with the transaction; and

wherein the step of effecting completion of the transaction by making payment to the seller comprises utilizing the registered disbursement instrument for making the payment.

167. (Previously added) The system of claim 151, wherein the operations of communicating information for displaying payment instrument information and receiving payment instrument registration information occur prior to the transaction between the buyer and the seller in a static registration process.
168. (Previously added) The system of claim 151, wherein the operations of communicating information for displaying payment instrument information and receiving payment instrument registration information occur after to the transaction between the buyer and the seller in a dynamic registration process.

X.

EVIDENCE APPENDIX

None

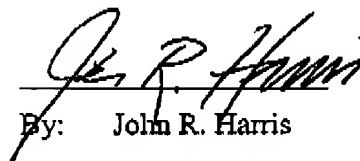
XI.

RELATED PROCEEDINGS APPENDIX

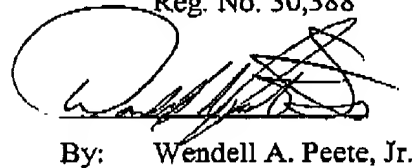
None

For at least the reasons stated above, Applicants respectfully request that the Board of Patent Appeals and Interferences reverse the examiner's rejections of the claims of the present invention and allow claims 63 – 168.

Respectfully submitted,


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